

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION
v.)	
)	05-10138-DPW
LEONEL ESMENDY)	
GUERRA-PIMENTEL et al.)	
)	

INITIAL PRE-TRIAL STATUS REPORT

The United States and the defendants hereby respectfully submit this joint status report for the Initial Pretrial Conference scheduled for March 21, 2006 at 3:30 p.m.

1. **Rule 11 Hearings:** Rule 11 hearings may be scheduled for defendants LUIS FERNANDO CARVJAL and MARINO ALBERTO beginning any time the week of March 27, 2006. A Rule 11 hearings may also be scheduled for defendant ROBERTO TUNEI but an additional two weeks are needed to finalize the terms of that plea agreement.

2. **Motion Hearing Dates:** Defendant WILLIAM MARTINEZ has filed a motion to sever. No other defendants have filed any other Rule 12(b) pretrial motions. An evidentiary hearing is not required for the motion to sever, but a hearing date is required. In addition, counsel for defendant LUIS MANUEL GONZALEZ-CALDERON will be filing a motion to suppress evidence. A hearing on the motion will be required.

3. **Trial Dates:** Thus far, the following five (5) defendants may be requiring a trial date: LEONEL GUERRA-PIMENTEL, MARCIAL SOTO-GARCIA, LUIS MANUEL GONZALEZ-CALDERON, WILLIAM MARTINEZ, EDISON JARAMILLO. A trial for these five defendants

would last approximately four weeks due to the volume of intercepted phone calls and the need for Spanish interpreters. The parties request that a trial date not be set for no sooner than three months (in either June or September 2006) in order for the government to prepare and the parties to resolve any disputes regarding English transcripts of wiretap calls. See United States v. Morales-Madera, 352 F.3d 1, 8 (1st Cir. 2003).

4. Interpreters: Spanish language interpreters will be required at each of the hearings at which the defendants are present.

5. Custodial Status: All of the defendants, with the exception of defendant WILLIAM MARTINEZ, are in federal custody.

6. Speedy Trial: On March 10, 2006, the only remaining fugitive in this case, defendant FERNANDO HERNANDEZ-GONZALEZ, a.k.a. "Nata," was arrested in the Middle District of Florida. On March 14, 2006, HERNANDEZ waived a detention hearing in Florida and was ordered transported to the District of Massachusetts. HERNANDEZ has not yet appeared in the District of Massachusetts. Therefore, under 18 U.S.C. § 3161(h)(7) and United States v. Henderson, 476 U.S. 321, 327 (1986), since 0 days have run on the Speedy Trial for defendant HERNANDEZ, no time has lapsed under 18 U.S.C. §3161(c)(1) for the remaining defendants.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

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/s/ John M. Verdecchia
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/s/ Matthew Smith
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Counsel for WILLIAM MARTINEZ

/s Victoria Bonilla
Victoria M. Bonilla-Argudo
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/s/ Jonathan Shapiro
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Date: March 20, 2006